



## CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

**Council Chambers – 100 Civic Center Drive**  
**Wednesday, May 8, 2013 – 6:00 PM**

**Harbor Commission Members:**

Doug West, Chair  
Karen Rhyne  
Ralph Rodheim

Brad Avery  
Paul Blank

Duncan McIntosh  
David Girling

**Staff Members:**

Chris Miller, Harbor Resources Manager  
Shannon Levin, Harbor Resources Supervisor

**Council Liaison:**

Nancy Gardner

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1) **CALL MEETING TO ORDER**

2) **ROLL CALL**

3) **PLEDGE OF ALLEGIANCE**

4) **PUBLIC COMMENTS**

*Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Commission has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.*

5) **APPROVAL OF MINUTES-** March 13, 2013 Study Session and Regular Meeting and April 10, 2013 Regular Meeting

6) **CURRENT BUSINESS- NONE**

7) **SUBCOMMITTEE REPORTS**

8) **QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES**

9) **QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES**

10) **PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER**

11) **COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**

12) **DATE AND TIME FOR NEXT MEETING:** Wednesday, June 12, 2013, 6:00 PM

13) **ADJOURNMENT**

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or [cityclerk@newportbeachca.gov](mailto:cityclerk@newportbeachca.gov).

**NEWPORT BEACH HARBOR COMMISSION STUDY SESSION MEETING MINUTES**  
**City Council Chambers**  
**Wednesday, March 13, 2013**  
**4:30 p.m.**

**1) CALL MEETING TO ORDER**

The meeting was called to order at 4:30 p.m.

**2) ROLL CALL**

Commissioners: Doug West, Chair  
Brad Avery  
Paul Blank  
David Girling  
Duncan McIntosh  
Karen Rhyne

Absent (Excused): Ralph Rodheim

Staff Members: Chris Miller, Harbor Resources Manager  
Shannon Levin, Harbor Resources Supervisor  
Jaime Murillo, Associate Planner

Council Liaison: Council Member Nancy Gardner

**3) PUBLIC COMMENTS**

Chair West invited those interested in addressing the Commission to do so at this time. There was no response and Chair West closed the Public Comments section of the meeting.

**4) CURRENT BUSINESS**

***1. Lower Castaways – A Discussion on the Future of this City Owned Property***

The Lower Castaways, located on the corner of W. Coast Highway and Dover Drive, is the last City owned waterfront property in Newport Harbor. The Harbor Commission is initiating the discovery process which will look at the future of this property, and the various uses which could benefit the entire community, both from a landside and waterside perspective. Harbor Commissioner David Girling and the Lower Castaways subcommittee will present their initial research on the property, and will request input from the public during this discovery process.

Chair West introduced the aforementioned item addressed the subcommittee and deferred to Commissioner Girling for a report.

Commissioner Girling thanked those in attendance and noted Council's approval of the Harbor Commission's objectives for fiscal year 2012/2013. One of the objectives involves the subject item and reported the intention of this being a public-oriented process. Once viable options for the property have been identified, they will be submitted to Council for their consideration. He reported that the parcel was previously deeded to the City by the Irvine Company and that a commercial marina is a prohibited use under the agreement. The property is currently zoned for a commercial marina and will therefore need to go through a processing for re-zoning. He introduced Associate Planner Jaime Murillo and deferred to him for a report.

Mr. Murillo presented details of the report addressing location, background, surrounding land uses, existing conditions and uses, existing easements and applicable land-use regulations including the General Plan, Coastal Land-Use Plan, Deed Restrictions and Covenants and Zoning. He explained the provisions, uses

and development limits under each of the latter. He addressed CEQA considerations, access considerations and easements.

Commissioner Girling noted three challenges related to the project including the traffic on Dover, the re-zoning process and the water current around the bulkhead. He presented ideas that have been proposed including bringing back the Wil Wright's Ice Cream Parlor, a boat launch, an emergency or limited boat launch, development of a hub for hiking, biking and boating and outdoor activities, a public pier, boat storage, a community garden, staging and overflow parking and launch area for a water-tax system.

Interested parties were invited to address the Commission on the item.

Gordon Glass presented a brief history of the parcel noting that it was the original Newport Landing. He reported that along with the Wil Wright's Ice Cream Parlor, there existed a trailer park. He suggested that the City allow Dennis Holland to use one of the tennis courts at Marina Park or the Lower Castaways parcel to continue building the Shawnee on a temporary basis.

Don Rypinski recommended that Dennis Holland be allowed to build the Shawnee at Lower Castaways as an interim use. He reported that Mr. Holland built the Pilgrim that is now located at Dana Point.

Dan Mariscal suggested developing a Clean Water Camp on the Lower Castaways parcel. The concept would allow volunteers to participate in clean-up projects for the beaches and the bay.

Jim Mosher hoped that the PowerPoint presentation would be posted on the City's website, wondered regarding the history of the deed and its restrictions and suggested that an updated copy be posted on the City's website. He wondered about the retention of an easement for cell phone operations. It was noted that in the grant deed, there is an easement related to cell phone transmission operations. Mr. Murillo reported the easement would allow for the Irvine Company to authorize installation, operation or maintenance of cellular operations, electronic data or telecommunication facilities. Any such use would need to be reviewed and approved by the City.

Garry Brown, Founder of Orange County Coast Keeper, a non-profit organization within the City, listed the organization's activities and efforts including growing kelp, eelgrass and green abalone. Relative to the Lower Castaways, he suggested the development of a Marine Research and Education Center with a marine laboratory and demonstration garden.

Len Bose, Huntington Beach, felt that the best use for the area would be a launch ramp, a dry storage facility, a marine recycling center for waste disposal and leaving space for marine commercial operations.

Billy Whitford, Director of Newport Aquatics Center, reported that there is minimal current in the area and referenced a previous deployment of the log boom noting that it was not very productive. He felt that any opportunity including a docking or mooring facility would be acceptable, a human-powered craft launch, a pedal, paddle walking park with connections to the Upper and Lower Castaways, a launch for hand launching boats or development of a restaurant (The Castaways).

There being no others wishing to address the Commission, Chair West closed public comments for this item.

Commissioner Girling reported on the importance of engaging the Parks, Beaches and Recreation Commission on this project. He stated that he recently briefed the PB&R Commission on the Harbor Commission's consideration and they were appreciative of being included. There were no ideas generated, but they will be involved in future discussions regarding the matter.

Commissioner Avery acknowledged that the site could be well-served by all of the ideas and uses suggested by the public. He addressed the possibility of leasing multiple spots for the various activities for specific periods of time as well as areas serving as a hub/base for other outdoor uses, including a combination of recreational and environmental uses.

Discussion followed regarding whether dry-stack marinas are considered commercial marinas.

Council Member Gardner stated that the issue could be clarified by the City Attorney's office and felt that the ingress and egress will be an important element to consider.

**5) ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 5:46 p.m.

**NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES**  
**City Council Chambers**  
**Wednesday, March 13, 2013**  
**6:00 p.m.**

**1) CALL MEETING TO ORDER**

The meeting was called to order at 6:00 p.m.

**2) ROLL CALL**

Commissioners: Doug West, Chair  
Brad Avery (arrived at 6:10 p.m.)  
Paul Blank  
David Girling  
Duncan McIntosh  
Karen Rhyne  
Ralph Rodheim

Staff Members: Chris Miller, Harbor Resources Manager  
Shannon Levin, Harbor Resources Supervisor  
Jaime Murillo, Associate Planner

Council Liaison: Council Member Nancy Gardner

**3) PLEDGE OF ALLEGIANCE – Commissioner Blank**

**4) SPECIAL CEREMONY RECOGNIZING LT. TOM SLAYTON, HARBORMASTER, AND DEPUTY CARLOS CONTRERAS, MOORING DEPUTY, ON THEIR RETIREMENTS FROM THE ORANGE COUNTY SHERIFF'S HARBOR PATROL. PUBLIC COMMENTS WELCOME.**

Chair West asked Harbormaster Lt. Tom Slayton to the podium. Chair West congratulated him on behalf of the Harbor Commission on Lt. Slayton's retirement from the Orange County Sheriff's Department and acknowledged his service and professionalism and presented him with a token in appreciation for his years of service to the community. Lt. Slayton expressed his appreciation to the Commission. Members of the Commission commented on Lt. Slayton's service and commended him and his staff for their work on behalf of the City. Harbor Resources Manager Chris Miller offered his appreciation to Lt. Slayton for his leadership and service.

Chair West acknowledged Mooring Deputy Carlos Contreras on his recent retirement and expressed appreciation for his service.

Lt. Slayton introduced his replacement, Mike Jansen and invited him to the podium. Officer Jansen noted that the transition will be seamless, that he will be accessible and that he cares about the Harbor. He stated he looks forward to working with the Commission.

**5) PUBLIC COMMENTS**

Chair West invited those interested in addressing the Commission to do so at this time. There was no response and Chair West closed the Public Comments section of the meeting.

Commissioner Avery arrived at this juncture (6:10 p.m.).

**6) APPROVAL OF MINUTES from January 9, 2013 Regular Meeting**

Interested parties were invited to address the Commission on this item.

Jim Mosher reported submitting written comments regarding the minutes. Staff reported that the corrections were incorporated into the minutes.

**Motion:** Commissioner Rodheim made a motion to approve the minutes of the Harbor Commission regular meeting of January 9, 2013, as amended. Commissioner Blank seconded the motion, which carried with 6 ayes and 1 abstention (Rhyne). Approved.

## **7) CURRENT BUSINESS**

### **1. *Commercial Pier at 508 S. Bay Front – Request for a New Permit***

The commercial pier at 508 S. Bay Front encroaches in front of the neighbor's property at 510 S. Bay Front. Per Newport Beach Municipal Code ("NBMC"), 17.35.020(F), a new permit approved by the Harbor Commission shall be required upon a change of ownership of the permittee's property. The property at 508 S. Bay Front is currently in escrow, and the Buyer is requesting a new permit.

#### **Recommendation:**

1. The Harbor Commission may approve a new permit for 508 S. Bay Front for the dock system in its current configuration, or;
2. The Harbor Commission may deny the permit request for 508 S. Bay Front in its current configuration, and require the dock system to be confined within the water area defined by the property line extensions of 508 S. Bay Front only.

Chair West reported that the aforementioned item was withdrawn from the agenda as it was determined that the application was not complete. The matter will be considered at a future meeting.

### **2. *Alternative Mooring Ideas for Newport Harbor***

Marshall Duffield, owner of Duffy Electric Boat Company, will present conceptual ideas for alternate configurations for Newport Harbor's mooring fields.

#### **Recommendation:**

1. Receive and file.

Marshall Duffield, owner of Duffy Electric Boat Company, commented on Lt. Slayton's service and provided a presentation with conceptual ideas for alternate configurations for Newport Harbor's mooring fields. He noted that presently, over one thousand moored boats take up a lot of open water. One alternative solution would be replacing the moorings with fiberglass docks which would offer mooring for multiple vessels instead of one, and listed the advantages of same. He addressed proposed pilings, specifications of the proposed all fiberglass docks, sea lion deterrents and existing and proposed mooring fields. He noted use of a similar concept by the Newport Harbor Yacht Club and addressed the risks of using existing moorings versus the benefits of implementing his concept. Mr. Duffield presented an example of a 40-foot vessel annual slip costs, addressed empty moorings and presented conclusions.

Discussion followed regarding availability of the pilings, issues needing vetting, setting the stage for a modern Newport Harbor, pros and cons of the concept, the possibility of implementing the concept on a trial basis, related costs, availability of a prototype, availability of power to the units, stability of the design and alternative mooring designs.

Member of the Commission commented positively on the concept. Discussion followed regarding next steps in exploring the matter further.

Chair West noted that there is an existing subcommittee to study the matter and suggested that the subcommittee consider next steps and return to the Commission with ideas for implementation.

Council Member Gardner suggested scheduling the item on a Council study session or having the subcommittee conduct further review to vet some of the issues, and have additional information prior to approaching Council.

Interested parties were invited to address the Commission on this item. There was no response and Chair West closed public comments.

Mr. Miller suggested contacting a representative sample of residents along the shore to obtain their input as well.

Chair West directed the subcommittee to move the matter forward.

### **3. Harbor Commission Purpose and Responsibilities - Revisions**

In November 2012, the City Council approved the Tidelands Capital Plan which outlines harbor projects to be completed within the next five years. The Harbor Commission's Purpose and Responsibilities should be updated to reflect the added component of the Tidelands Capital Plan.

#### **Recommendation:**

1. Advise the Harbor Resources Manager to recommend the proposed revisions of the Harbor Commission's Purpose and Responsibilities to the City Council.

Council Member Gardner reported that the aforementioned item is a result of having a working group of Council review and make suggestions relative to the Commission in hopes of addressing concerns expressed as presented to Council. The intent is to distinguish the exact role of the Harbor Commission in conjunction with the Capital Plan and as assigned by Council.

Chair West commented positively on the expansion of the Harbor Commission's role.

Brief discussion followed regarding changes in the terms of service for Commission Members.

Interested parties were invited to address the Commission on this matter. Jim Mosher referenced a typographical error in the original ordinance and suggested the need for clarification of specific items. He addressed the inclusion of water craft, other kinds of recreation and scenic and biological resources. He requested that clarity be provided in terms of the boundaries between the Harbor Commission and the Parks, Beaches and Recreation Commission regarding recreation and where the interface would occur with the Water Quality Committee. He opined that Council cannot make changes in the terms currently, but would need to completely disband and recreate the Commission beginning in January.

Chair West noted that Council Member Gardner indicated that Council is working on the issue of Member terms and that it cannot be resolved at this time.

There being no others wishing to address the Commission, Chair West closed public comments for this item.

**Motion:** Commissioner Blank made a motion to advise the Harbor Resources Manager to recommend the proposed revisions of the Harbor Commission's Purpose and Responsibilities to the City Council. Commissioner Girling seconded the motion.

Discussion followed regarding the need to clarify the issue of term initiation.

An amendment was proposed to the motion to accept the proposed revisions with the request that the issue of term initiation be resolved and was accepted by the maker and second of the motion.

The motion carried, unanimously. Approved.

**4. *Lower Castaways – A Discussion on the Future of this City Owned Property***

The Lower Castaways, located on the corner of W. Coast Highway and Dover Drive, is the last City owned waterfront property in Newport Harbor. The Harbor Commission is initiating the discovery process which will look at the future of this property, and the various uses which could benefit the entire community, both from a landside and waterside perspective. The Harbor Commission will review the comments made at today's Study Session, and will request input from the public during this discovery process.

**Recommendation:**

1. Receive and file.

Chair West reported that the aforementioned item was discussed during a prior study session.

Discussion followed regarding next steps regarding the matter and it was noted that the subcommittee will review the suggestions and ideas received and return with new steps for moving forward to the Commission.

Interested parties were invited to address the Commission on this matter. There was no response and Chair West closed public comments.

Council Member Gardner noted that Mr. Murillo will work with the City Attorney's office regarding clarification of commercial marinas versus dry docks. It was noted that Mr. Murillo will also clarify what would be objected to by the Irvine Company.

**8) SUBCOMMITTEE REPORTS**

Commissioner Rodheim reported that he and Commissioner Rhyne are on the Subcommittee for the Project Lines relative to approaching the City to determine whether it is interested in addressing the matter. He noted that relative to the bulkhead and pier heads around the Harbor, the City is out of conformance. He reported that he has contacted City staff to determine how they would like to proceed.

Chair West noted that this has been a long-standing concern of the Commission but that it is up to the City as to how it would like to proceed.

Commissioner Blank provided an update on the Stand-up Paddleboard Subcommittee and announced an upcoming forum on Paddleboard Safety on Sunday, April 7, 2013 from 10:00 a.m. to noon at ExplorOcean.

Council Member Gardner requested to have the information emailed to her so that she can announce the event at the next Council meeting.

Commissioner Avery reported receiving communication regarding the anchorage on which the Subcommittee is working and that it is reviewing the possibility of a temporary anchorage program. He suggested scheduling a study session to review existing anchorage and obtain public input on possible improvements.

Discussion followed regarding complaints received due to the fallout resulting from the temporary anchorage and needing to consider shoreline facilities that would support temporary anchorage as well as noise issues.

Chair West reported on a recent meeting with the Harbor Patrol where they indicated they would like to participate in future discussions. He suggested scheduling a study session on the matter.

Council Member Gardner suggested addressing the matter as part of a regular meeting.

Chair West directed staff to place the item on the agenda for the Commission's next meeting and Mr. Miller recommended allowing additional time for public notice of the item.

Chair West provided an update on the RGP54 Subcommittee and addressed background, the RGP process, considerations and actions by the Subcommittee and recommendations to pursue a significantly reduced RGP process. He reported that it became clear that the greatest single problem for dock holders is compliance with the Eelgrass mitigation requirements of the Southern California Eelgrass Mitigation Policy and is why Mr. Miller has been developing a Newport-specific Eelgrass Mitigation Strategy. He reported that a key feature for the revised RGP being pursued for an effective date of April of 2014 will be incorporation of the new, proposed Eelgrass protection plan. The Subcommittee is working closely with the Harbor Resources Manager to secure the regulatory approval of the revised RGP including the Newport Eelgrass Plan. He addressed previous meetings regarding the issue including an inter-agency meeting where the plan received minor revisions and positive input. He addressed the need for an improved sediment analysis plan and noted that Mr. Miller is working on the issue. Chair West reported that the revised plan is being finalized and addressed next steps. In addition, he commented on the various Federal and State agencies and noted the significant regulatory hurdles needed to resolve the matter. He noted that many of the agencies are actively trying to help the City in its efforts and commented on the credibility and leadership of the City. He commended Council and City staff for its understanding and support, especially Harbor Resources Manager Chris Miller.

Interested parties were invited to address the Commission on this item.

Duffy Duffield reported on the need for a permit to dredge the Harbor and stated that there is no way to remove the material. He stated that dredging is not over and reported a boat aground recently for four hours, trying to maneuver the Harbor.

Chair West noted that RGP is all about dock dredging.

Council Member Gardner clarified that the Mayor indicated that the major dredging project in the Harbor was done, but that doesn't mean that Council will not be looking for funds for additional dredging that is needed.

Chair West reported that there is significant provision being made in the Capital Management Plan, going forward, for additional dredging of the Harbor over time.

In response to an inquiry from Len Bose of Huntington Beach, Chair West affirmed that he feels confident that the revised RGP will be successfully implemented by April, 2014.

John Corrough commended the Commission, the Chair, the Subcommittee and staff for addressing the RGP process. He recommended that once the matter is approved, efforts are made to promote it through various media for accurate dispensation. He stated that dredging is a continuous process and commented on the perils of politicians making general statements within a vacuum.

There being no others wishing to address the Commission, Chair West closed public comments on this item.

## **9) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES**

Council Member Gardner commented on the inter-agency meetings and stated that it was unfortunate that the Coastal Commission did not attend.

Mr. Miller stated that the City met with the Coastal Commission recently and discussed all of the issues being faced including Eelgrass. He indicated that the Chair was supportive of the plan. They are aware that the application is coming and were generally in support.

Council Member Gardner reported on a recent meeting with a new Coastal Commissioner. She announced an upcoming Tidelands Management Committee meeting and addressed items to be discussed at that meeting including considering the future role of the Committee.

**10) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES**

Chair West announced the elimination of a formal PowerPoint Harbor Resources Manager report.

Mr. Miller reported receiving proposals for the RGP Sampling and Analysis plan and that a team will review the proposals and that a resulting contract will be fast-tracked at staff level to have a plan ready to present by the third week in April.

Mr. Miller presented an update on the pier configuration project and noted that 112 calls, office visits and emails have been received regarding the project. He commended the GIS Department for their help. He reported that the commercial pier program has begun.

In response to an inquiry from Chair West, Mr. Miller reported that the Corp of Engineers has completed a survey of the lower bay and the results will be available shortly.

**11) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER**

Jim Mosher requested and was provided with clarification regarding the upcoming Tidelands Management Committee meeting.

**12) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM) - None**

**13) DATE AND TIME FOR NEXT MEETING: Wednesday, April 10, 2013, 6:00 PM**

**14) ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:45 p.m.

**NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES**  
**City Council Chambers**  
**Wednesday, April 10, 2013**  
**6:00 p.m.**

**1) CALL MEETING TO ORDER**

The meeting was called to order at 6:00 p.m.

**2) ROLL CALL**

Commissioners: Doug West, Chair  
Brad Avery  
Paul Blank  
David Girling  
Duncan McIntosh  
Karen Rhyne  
Ralph Rodheim

Staff Members: Chris Miller, Harbor Resources Manager  
Shannon Levin, Harbor Resources Supervisor

Council Liaison: Council Member Nancy Gardner

**3) PLEDGE OF ALLEGIANCE – Chair West**

**4) PUBLIC COMMENTS**

Chair West invited those interested in addressing the Commission to do so at this time. There was no response and Chair West closed the Public Comments section of the meeting.

**5) APPROVAL OF MINUTES from February 13, 2013**

Interested parties were invited to address the Commission on this item. Jim Mosher reported submitting written comments regarding the minutes. Staff reported that the corrections were incorporated into the minutes.

**Motion:** Commissioner Blank made a motion to approve the minutes of the Harbor Commission regular meeting of February 13, 2013, as corrected. Commissioner McIntosh seconded the motion, which carried with 5 ayes and 2 abstentions. Approved.

**6) CURRENT BUSINESS**

**A. Potential Anchorage Area West of Lido Isle**

Chair West introduced the matter and reported that during the recent dredging project the area west of Lido Isle was established as a temporary anchorage but that the anchorage has now been moved back to the other end of Lido. He stated that during the time when the temporary anchorage was in place, it was suggested that the temporary anchorage should be made permanent as an addition to the traditional anchorage area. The Commission established consideration of the matter as one of its annual objectives. Chair West added that a decision will not be made at this time, but that the Commission is hereby soliciting input from the public regarding the matter.

Interested parties were invited to address the Commission on this item.

Seymour Beek indicated that he was an early proponent of providing anchorage west of Lido Isle and encouraged the Commission to move forward with the project. He addressed the possibility of phasing out anchorage at the east end of Lido Isle in order to minimize the number of boats there and facilitate races.

Richard Ingell stated that he would prefer keeping both areas as anchorages. He felt that the City has moved away from supporting the harbor area in recent years and noted the importance of the harbor for the City.

Walter Havekorst commented in support of keeping both areas as anchorages. He stated that the more opportunities to get the public to use the harbor, the better for the community.

Pam Whitesides, representing five area residents, stated that she is firmly against temporary anchorage and expressed concerns regarding increased noise.

Don and Judy Cole felt that the west end of Lido Isle is too small to consider temporary or seasonal anchorage. He addressed the differences between the west and east areas and provided testimony regarding drifting boats on the west end. He expressed concerns with safety due to the highly impacted anchorage occurring during the temporary anchorage period west of Lido Isle.

Catherine Johansen complained of high levels of noise coming from the additional concentration of boats docking and transversing the area west of Lido Isle. She expressed concerns regarding the impact of additional traffic and parking in the area and felt that it will create a public safety hazard and will negatively impact the quality of life of nearby residents. She asked that the Commission carefully consider the issue.

There being no others wishing to address the Commission, Chair West closed public comments on this matter.

Chair West reiterated that no decision will be made at this time but reported that a Subcommittee has been established to carefully consider the matter and provide recommendations to the Commission and subsequently, Council.

Commissioner Avery acknowledged the concerns related to noise and felt that it should be able to be controlled through the City's noise ordinance and stated that no amplified music should be allowed in the anchorage. He added that there needs to be appropriate education and that the City should do a better job of defending the quality of life for residents relative to the noise issue.

Councilmember Gardner commented on the challenges of controlling noise levels on the water, particularly in the short term.

Commissioner Rodheim noted that the Subcommittee will gather all of the public input received, discuss the issue among its members and place the item on a future agenda for consideration by the Commission.

Commissioner McIntosh reported that the Harbor Patrol suggested making that area into seasonal anchorage but noted that does not address the issues being discussed. He noted the need to consider shore side support for the vessels in the area including restroom facilities and public dock areas. He commented on problems created by the anchorage.

Chair West stressed that there has been no decision by the Harbor Commission or the Subcommittee and that appropriate notices will be distributed when the item is agendaized.

**Motion:** Commission received and filed the report unanimously.

## **7) SUBCOMMITTEE REPORTS**

Commissioner Blank provided a brief update on the Stand-Up Paddle Boarding Subcommittee noting that a public forum was held and that materials presented were very informative. He commented positively on the

event and addressed the possibility of other forums in the future. Chair West commented positively on the success of the forum.

Commissioner Girling provided an update on the Lower Castaways and addressed the success of a recent study session where a number of good ideas were received from the public. He reported that there was question regarding prohibitions by the grant deed and reported receiving clarification from the City Attorney's office. He stated that there is a covenant in the grant deed that lists some of the prohibited uses and addressed the intention of the covenant. He indicated that the Lower Castaways is in a marine-protected area and reported that Mr. Miller received information from the Department of Fish and Game, confirming that as the case. However, there is discrepancy as to the timeframe in which that designation could be changed so that development can take place. Additionally, he reported that a suggestion was made to communicate with the Bayside Village Marina to obtain an understanding of their operations. He referenced an article from the *Orange County Register* regarding current development at Bayside Village Marina and addressed the timeline for completion of the project.

Commissioner Rodheim gave a report regarding the Subcommittee on project lines in the City and noted that the goal is to meet with City staff to determine whether there is an interest for future action.

Commissioner West reported on a meeting of the RGP-54 Subcommittee and feedback received in terms of whether the City should consider getting into the dredging business. Discussion followed regarding small-scale operators being aware of the City's efforts towards a new approach for RGP-54. It was noted that the Subcommittee has the benefit of obtaining expert advice from local contractors.

#### **8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES**

Councilmember Gardner commented positively on the Stand-Up Paddle Boarding forum noting that many, who should have attended, didn't, but that great connections were made. She addressed input from the Harbor Master and the availability of extensive public information. She reported contacting City staff as well as Visit Newport Beach who agreed to distribute literature in City facilities and hotels. Additionally, she suggested that the information be available for businesses that rent boards to provide to their customers for improved safety.

It was noted that Newport Beach is the Paddle Boarding capital of the United States and that there is a great opportunity for the City to be in a leadership position on the issue. Councilmember Gardner announced an upcoming event in Huntington Beach on Stand-Up Surfing.

#### **9) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES**

Harbor Resources Manager Miller provided highlights of issues being worked on by his department including submission of applications for the Balboa Island Beach Replenishment project. He announced an upcoming celebration of the completion of the Lower Bay dredging at Newport Harbor Yacht Club on April 17, 2013 at 2:30 p.m. In addition, Mr. Miller reported that the RGP has a lot of momentum and that a consultant has been selected to help the City with its efforts. Anchor QEA was selected as the consultant through a competitive process and they are on track towards the March 2014 deadline. He provided an update on the Eelgrass issue noting that the final draft should be completed within a week. Additionally, he announced an annual meeting of Harbor Sailing, Charter and Rental organizations on April 11, 2013 at 11:00 a.m. in the old Council Chambers in order to discuss improvement in relations and communications between competing groups in the Harbor.

Discussion followed regarding the Duffy alternative mooring presentation given at the last Commission meeting and the possibility of Mr. Duffield building a prototype to illustrate the potential for the concept. Members of the Commission commented on the need to keep the matter at the forefront.

Ensuing discussion pertained to problems with sea lions in the area and Mr. Miller addressed efforts to relocate a problem vessel and disperse sea lions.

**10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER**

Interested parties were invited to address the Commission.

Len Bose addressed the promotion of boating season events and noted that there are other ideas out there regarding mooring alternatives. Chair West reported that the on-going consideration of alternative mooring is dedicated to a Subcommittee in meeting the Commission's annual objectives.

There being no others wishing to address the Commission, Chair West closed this portion of the meeting.

**11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**

Commissioner McIntosh reported on a recent visit to Jet Lev and commented positively on their operation. He reported that Marshall Duffield contacted him recently and has offered to take him on a solar powered duffy around Catalina Island. He announced that this will be the 40th year of the Newport Boat Show.

Commissioner Rodheim congratulated the Newport Harbor Yacht Club for hosting the Baldwin Cup. He announced that the public is invited to the kick-off of the Lexus Newport to Ensenada Yacht Race on April 21st. He added that the race will begin on Friday, April 26th at Balboa Pavilion.

Commissioner Avery hoped that the Duffy proposal on floating docks will be placed on a future agenda. Additionally, he addressed the operation of a charter where there is not enough shore power and suggested the issue of requiring commercial marinas to provide power for vessels be addressed at a future meeting.

Councilmember Gardner suggested that the issue be addressed sooner rather than later due to consideration of the use of generators by Council in the near future.

**12) DATE AND TIME FOR NEXT MEETING:** Wednesday, May 8, 2013, 6:00 PM

**13) ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:00 p.m.